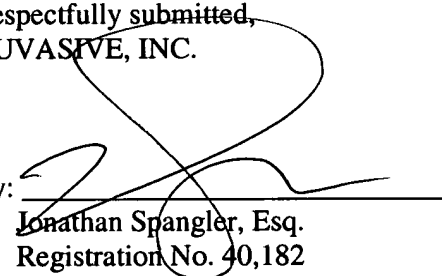


REMARKS

In response to the restriction requirement mailed August 22, 2002, Applicants hereby elect Group II under 37 C.F.R. 1.143 for prosecution on the merits. Applicants have amended the claims such that this Group II now includes claims 15-16, 18, 22-26 and 30-40. Applicants have cancelled claims 1-14, 17, 19-21, 27-29 and 41-50 from prosecution, without prejudice.

The foregoing election has been submitted to place the present application in condition for allowance. Favorable consideration and allowance of the claims in this application is respectfully requested. In the event that there are any questions concerning this Amendment or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
NUVASIVE, INC.

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Date: February 24, 2002